

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT MURILLO,

Plaintiff,

v.

CASE NO. 13-CV-15273
HONORABLE GEORGE CARAM STEEH

U.S. DEPARTMENT OF JUSTICE, et al.,

Defendants.

_____/

ORDER DENYING PLAINTIFF'S MOTION TO ALTER
OR AMEND JUDGMENT PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE RULE 59(e) (DOC. #42)

This lawsuit was filed by plaintiff alleging violations of the Privacy Act, 5 U.S.C. § 552a(e)(5), the Administrative Procedures Act, 5 U.S.C. §§ 701 *et seq.*, and *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1977). On October 21, 2014, the court denied plaintiff's emergency motions for preliminary and injunctive relief and granted defendants' motion to dismiss the case. Judgment was entered in favor of defendants and against plaintiff. In the order of dismissal, the court stated that plaintiff's claims, if successful, would necessarily imply the invalidity of his sentence, and, therefore, were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). This matter is now before the court on plaintiff's motion to alter or amend the judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure.

Rule 59(e), addressing alteration of or relief from a court order or judgment, requires that plaintiff demonstrate a clear error of law, newly discovered evidence, an intervening change in the law, or manifest injustice. *Henderson v. Walled Lake Consol. Schs.*, 469

F.3d 479, 496 (6th Cir. 2006). The assertions made by plaintiff in his filing do not meet this standard. Plaintiff's challenge to his sentence is barred by *Heck*. Accordingly, the court hereby DENIES plaintiff's "Motion to Alter or Amend Judgment Pursuant to Federal Rule of Civil Procedure Rule 59(e)" (Doc. #42).

IT IS SO ORDERED.

Dated: November 20, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 20, 2014, by electronic and/or ordinary mail and also on Robert Murillo #16500-039, Milan Federal Correctional Institution, P. O. Box 1000, Milan, MI 48160-1090.

s/Barbara Radke
Deputy Clerk